

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2778

D. JOHNSON WILLIS,

Plaintiff - Appellant,

versus

TOWN OF TRENTON, NORTH CAROLINA; JOFFREE T. LEGGETT; Individually and as Town Mayor; CHARLES C. JONES, Individually and as member of Town Council; EDWARD EUBANKS, Individually and as Member of Town Council; WILLARD O. LEWIS, Individually and as member of Town Council; ANN BROCK, Individually and as former member of Town Council; EDWARD PARKER, Individually and as former member of Town Council; CLIFTON MILLS, SR., Individually and as former member of Town Council; BOB D. HENDERSON, Individually and as former member of Town Council; JAMES R. FRANCK, Individually and as former Town Mayor; SHERI M. DAVENPORT, Individually and as former Town Counsel; JAMES R. HOOD, Individually and as Town Counsel; GEORGE W. DAVENPORT, Individually and as former Town Mayor; C. GLENN SPIVEY, Individually and as Town Clerk; their successors and agents,

Defendants - Appellees.

No. 95-2820

D. JOHNSON WILLIS,

Plaintiff - Appellant,

versus

TOWN OF TRENTON, NORTH CAROLINA; JOFFREE T. LEGGETT; Individually and as Town Mayor; CHARLES C. JONES, Individually and as member of Town Council; EDWARD EUBANKS, Individually and as Member of Town Council; WILLARD O. LEWIS, Individually and as member of Town Council; ANN BROCK, Individually and as former member of Town Council; EDWARD PARKER, Individually and as former member of Town Council; CLIFTON MILLS, SR., Individually and as former member of Town Council; BOB D. HENDERSON, Individually and as former member of Town Council; JAMES R. FRANCK, Individually and as former Town Mayor; SHERI M. DAVENPORT, Individually and as former Town Counsel; JAMES R. HOOD, Individually and as Town Counsel; GEORGE W. DAVENPORT, Individually and as former Town Mayor; C. GLENN SPIVEY, Individually and as Town Clerk; their successors and agents,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Fox, Chief District Judge. (CA-94-162-4-F)

Submitted: January 11, 1996

Decided: January 23, 1996

Before RUSSELL, HALL, and WILKINSON, Circuit Judges.

No. 95-2778 dismissed and No. 95-2820 affirmed by unpublished per curiam opinion.

D. Johnson Willis, Appellant Pro Se. Kenneth Ray Wooten, Cheryl A. Marteney, WARD & SMITH, P.A., New Bern, North Carolina; Dal Floyd Wooten, III, Kinston, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant noted the appeal in No. 95-2778 outside the thirty-day appeal period established by Fed. R. App. P. 4(a)(1), failed to obtain an extension of the appeal period within the additional thirty-day period provided by Fed. R. App. P. 4(a)(5), and is not entitled to relief under Fed. R. App. P. 4(a)(6). The time periods established by Fed. R. App. P. 4 are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). The district court entered its order on April 14, 1995. Appellant's notice of appeal was filed on September 15, 1995. We dismiss the appeal as untimely.

In No. 95-2820, Appellant appeals the district court's denial of his motion for extension of time to appeal. Because the district court did not abuse its discretion in determining that the motion was not timely filed under Fed. R. App. P. 4(a)(6), we affirm the district court's denial.

We deny the Appellant's motions for oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 95-2778 - DISMISSED

No. 95-2820 - AFFIRMED